

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
CONNECTICUT, NEW JERSEY,
RHODE ISLAND and WASHINGTON,
and COMMONWEALTHS OF
MASSACHUSETTS and VIRGINIA,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE; and JEFFERSON B.
SESSIONS III, in his official capacity as
Attorney General of the United States,

Defendants.

No. 18-cv-6471 (ER)

DECLARATION OF ADRIAN DIAZ

CITY OF NEW YORK

Plaintiff,

v.

JEFFERSON B. SESSIONS III, in his
official capacity as Attorney General of
the United States of America, and the
UNITED STATES DEPARTMENT OF
JUSTICE,

Defendants.

No. 18-cv-6474 (ER)

1 Pursuant to 28 U.S.C. § 1746(2), I, Adrian Diaz, hereby declare as follows:

2 1. I am a Lieutenant with the Seattle Police Department in Seattle, Washington. I have
3 served as an Officer for the Seattle Police Department for twenty-one years and as Lieutenant for
4 one year. The Seattle Police Department (SPD) is responsible for preventing crime, enforcing the
5 law, and supporting qualify public safety by delivering respectful, professional, and dependable
6 police services.

7 2. In my role as a Lieutenant for the SPD, I am familiar with funding under federal
8 grant programs, including the Edward Byrne Memorial Justice Assistance Grant ("Byrne JAG
9 Program"), and how that funding is used in the City of Seattle. The City of Seattle has used its
10 previous Byrne JAG Program allocations to fund approximately 80 percent of three (3) civilian
11 Crime Prevention Coordinator positions within the Seattle Police Department. The civilian Crime
12 Prevention Coordinators conduct crime prevention activities city-wide and are vital to the City's
13 efforts in prevention/reduction of crime. Because of past-uninterrupted JAG Program funding, the
14 civilian Crime Prevention Coordinators provide essential services for all residents of Seattle, and in
15 particular to special needs populations, such as the elderly, non-English speaking people, refugees,
16 the deaf, blind, and developmentally disabled people.

17 3. The City of Seattle has a population of over 680,000 people according to 2016
18 census data. Of these over 680,000 residents, 18%, or 120,722 people, were foreign born. Of this
19 foreign-born population, 50.7% were naturalized citizens, while 49.3% were not U.S. citizens.
20 Seattle accounts for over 30% of the total population of King County, Washington, and is located
21 on 143 square miles. The population of Seattle's metropolitan area, including the Seattle-Tacoma-
22 Bellevue Metropolitan Statistical Area, is approximately 3,700,000. This metropolitan statistical
23 area contains 641,151 foreign-born residents, of which 49.7% are naturalized citizens and 50% are
24 not U.S. Citizens.

25 4. Requiring local authorities to enforce federal immigration will significantly impede
26 SPD's ability to police the City of Seattle and will make law enforcement more difficult. Fear of

1 detention, deportation, or being questioned about immigration status (for themselves or someone
 2 they know) creates a climate of fear that affects not only undocumented immigrants, but also their
 3 children and family members who often are legal residents, as well as other people with whom they
 4 share communities, neighborhoods, or schools. This climate of fear in turn will cause crime victims
 5 in immigrant communities to become more reluctant to report crime and more reluctant to cooperate
 6 with law enforcement. This will result in communities that are less safe and will impede the SPD's
 7 ability to effectively police and provide services to all residents of Seattle.

8 5. Likewise, tying local law enforcement to federal immigration policy will discourage
 9 people who are witnesses of a crime from reporting the crime or cooperating as a witness. People
 10 who are witnesses of crime are less likely to report the crime or cooperate with an investigation if
 11 they fear questions about immigration status (for themselves or someone they know), detention, or
 12 deportation. If a witness of crime is an undocumented immigrant, has family who are undocumented
 13 immigrants, or lives in a community with undocumented immigrants, the SPD will be less likely to
 14 get that witness to cooperate with an investigation of a crime if doing so creates a risk, or the
 15 perception of a risk, that Federal Immigration Authorities will detain and/or deport people as a result
 16 of this cooperation. Accordingly, undocumented immigrants who are witnesses of crimes will
 17 become fearful of filing reports, coming forward with information, testifying, or otherwise
 18 cooperating with law enforcement if they perceive there may be immigration consequences.

19 6. If undocumented immigrants who witness or are victims of a crime are less likely
 20 to report the crime or cooperate as witnesses, this will embolden criminals to commit further crimes
 21 and increase victimization against undocumented immigrants. These criminals also will victimize
 22 other members of the communities where undocumented immigrants reside.

23 7. As discussed at length in the City of Seattle's Complaint for Declaratory relief, in
 24 City of Seattle v. Trump, Case 2:17-cv-00497-BAT, (W.D. Wash. 2017), these concerns are shared
 25 by numerous law enforcement organizations who have publicly recognized the dangers of
 26 commingling local public safety with federal immigration enforcement. These include the Major

1 Cities Chiefs Association, a professional association of Chiefs and Sheriffs representing the largest
2 cities in the United States, Canada, and the United Kingdom; the Law Enforcement Immigration
3 Task Force, which consists of the Chiefs of Police of two dozen jurisdictions; and the National
4 Fraternal Order of Police and Major County Sheriffs' Association. A true and accurate copy of the
5 First Amended Complaint is attached to this Declaration as **Exhibit A**.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on this 15TH day of August 2018.

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10 ADRIAN DIAZ
11 Seattle Police Department
12 City of Seattle
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